

B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:) Case No.X-40
Christopher C. Cornell)
Applicant/Respondent.)
_____)

DECISION AND ORDER

The attached Stipulated Settlement and Decision is hereby adopted as the Decision and Order of the Board of Psychology, Department of Consumer Affairs, State of California.

This Decision shall become effective on
October 23, 2000.

Dated October 23, 2000.

BOARD OF PSYCHOLOGY

M.R. Greenberg
Martin R. Greenberg, Ph.D.
President, Board of Psychology
Department of Consumer Affairs

1 BILL LOCKYER, Attorney General
of the State of California
2 RICHARD D. MARINO (State Bar No. 90471)
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1233
Telephone: (213) 897-8644
5 Facsimile: (213) 897-1071
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Statement of) Case No. X-40
Issues Against:)
12)
CHRISTOPHER C. CORNELL) **STIPULATED SETTLEMENT AND**
13 5460 White Oak Ave., No. E-308) **DISCIPLINARY ORDER**
Encino, California 91316)
14)
Applicant\Respondent.)
15)
16

17 In the interest of a prompt and speedy settlement of this
18 matter, consistent with the public interest and the responsibility
19 of the Board of Psychology, Department of Consumer Affairs, the
20 parties hereby agree to the following Stipulated Settlement and
21 Decision which will be submitted to the Board for its approval and
22 adoption as the final disposition of the Statement of Issues.

23 **PARTIES**

24 1. Complainant Thomas S. O'Connor is the Executive
25 Officer of the Board of Psychology, Department of Consumer Affairs
26 ("Board") who brought this action solely in his official capacity
27 and is represented in this matter by Bill Lockyer, Attorney General

1 of the State of California, by Richard D. Marino, Deputy Attorney
2 General.

3 2. Respondent Christopher C. Cornell ("respondent") is
4 representing himself in this matter.

5 3. On or about May 8, 2000, respondent submitted an
6 application for registration to engage in psychological activities,
7 pursuant to section 2909, subdivision (d), of the Business and
8 Professions Code ("Code"), to the Board. On or about May 11, 2000,
9 the Board denied respondent's application, and respondent requested
10 an administrative hearing.

11 JURISDICTION

12 4. Statement of Issues No. X-40 was filed before the
13 Board and is currently pending against respondent. It alleges that
14 there are grounds for denying respondent's application for
15 registration to engage in psychological activities under sections
16 480, subdivision (a), subparagraph (1), generally, and 2960,
17 subdivision (a), specifically, of the Code in that respondent has
18 sustained convictions for crimes involving the use of controlled
19 substances or alcohol or other dangerous drugs and under section
20 2960, subdivision (b), of the Code in that respondent has used
21 controlled substances or alcohol or other dangerous drugs to an
22 extent or in a manner dangerous to himself, any other person, or
23 the public, or to an extent that this use impairs his ability to
24 perform the work of a psychologist with safety to the public. The
25 Statement of Issues, together with all other statutorily required
26 documents, was duly served on the respondent on September 11, 2000,
27 and respondent thereafter timely filed his Notice of Defense

1 (contesting the Statement of Issues). A copy of Statement of
2 Issues No. X-40 is attached as Exhibit A and incorporated herein by
3 reference.

4 **ADVISEMENT AND WAIVERS**

5 5. Respondent is aware of and fully understands the
6 nature of the charges alleged in the Statement of Issues and the
7 effects of this stipulation.

8 6. Respondent understands that the charges and
9 allegations in the Statement of Issues, if proven at a hearing,
10 constitute cause for denying, or imposing discipline upon, his
11 Psychologist's License. Respondent is fully aware of his legal
12 rights and that, but for this Stipulation, he would be entitled: 1)
13 to a hearing on the charges and allegations in the Statement of
14 Issues; 2) to be represented by counsel, at his own expense, in all
15 proceedings in this matter; 3) to confront and cross-examine the
16 witnesses against him; 4) to present evidence on his own behalf and
17 to the issuance of subpoenas to compel the attendance of witnesses
18 and the production of documents; 5) to reconsideration by the Board
19 and court review of an adverse decision; and 6) all other rights
20 accorded pursuant to the California Administrative Procedure Act
21 and other applicable laws.

22 7. With these rights in mind, respondent freely,
23 voluntarily, knowingly and intelligently waives and gives up each
24 and every right set forth above.

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every
27 allegation in Statement of Issues No. X-40.

1 9. Respondent agrees that there grounds for which his
2 application for registration may be denied and/or for which
3 discipline may be imposed upon his psychologist's license, if
4 issued by the Board. Respondent agrees to be bound by the Board's
5 imposition of discipline as set forth in the Disciplinary Order
6 below.

7 CONTINGENCY

8 10. This stipulation shall be subject to the approval of
9 the Board. Respondent understands and agrees that Board staff and
10 counsel for complainant may communicate directly with the Board
11 regarding this stipulation and settlement, without notice to or
12 participation by respondent or his counsel. If the Board fails to
13 adopt this stipulation as its Disciplinary Order, the stipulation
14 shall be of no force or effect, it shall be inadmissible in any
15 legal action between the parties, and the Board shall not be
16 disqualified from further action in this matter by virtue of its
17 consideration of this stipulation.

18 11. In consideration of the foregoing admissions and
19 stipulations, the parties agree that the Board shall, without
20 further notice or formal proceeding, issue and enter the following
21 Disciplinary Order:

22 DISCIPLINARY ORDER

23 IT IS HEREBY ORDERED that respondent Christopher C.
24 Cornell's be registered to engage in psychological activities.
25 Respondent's registration is revoked. However, the revocation is
26 stayed and respondent is placed on probation for three (3) years on
27 the following terms and conditions.

1 1. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND
2 SAMPLES Respondent shall abstain completely from the personal use
3 or possession of controlled substances as defined in the California
4 Uniform Controlled Substances Act, and dangerous drugs as defined
5 by Section 4211 of the Business and Professions Code, or any drugs
6 requiring a prescription unless respondent provides the Board or
7 its designee with documentation from the treating physician and
8 surgeon that the prescription was legitimately issued and is a
9 necessary part of the treatment of respondent. Respondent shall
10 abstain completely from the use of alcoholic beverages. Respondent
11 shall undergo random, biological fluid testing as determined by the
12 Board or its designee. Any confirmed positive finding will be
13 considered a violation of probation. Respondent shall pay all
14 costs associated with such testing. The length of time and
15 frequency of this testing condition will be determined by the Board
16 or its designee.

17 Orders forbidding respondent from personal use or
18 possession of controlled substances or dangerous drugs do not apply
19 to medications lawfully prescribed to respondent for a bona fide
20 illness or condition by a physician and surgeon. Respondent shall
21 provide the Board or its designee with written documentation from
22 the treating physician and surgeon who prescribed medication(s).

23 2. PRACTICE MONITOR Within 90 days of the effective
24 date of this Decision, respondent shall submit to the Board or its
25 designee for prior approval, the name and qualifications of a
26 psychologist who has agreed to serve as a practice monitor. The
27 monitor shall 1) be a California-licensed psychologist with a clear

1 and current license; 2) have no prior business, professional,
2 personal or other relationship with respondent; and 3) not be the
3 same person as respondent's therapist. The monitor's education and
4 experience shall be in the same field of practice as that of the
5 respondent.

6 Once approved, the monitor shall submit to the Board or
7 its designee a plan by which respondent's practice shall be
8 monitored. Monitoring shall consist of at least one hour per week
9 of individual face to face meetings and shall continue during the
10 entire probationary period. The respondent shall provide the
11 monitor with a copy of this Decision and access to respondent's
12 fiscal and/or patient records. Respondent shall obtain any
13 necessary patient releases to enable the monitor to review records
14 and to make direct contact with patients. Respondent shall execute
15 a release authorizing the practice monitor to divulge any
16 information that the Board may request. It shall be respondent's
17 responsibility to assure that the monitor submits written reports
18 to the Board or its designee on a quarterly basis verifying that
19 monitoring has taken place and providing an evaluation of
20 respondent's performance.

21 Respondent shall notify all current and potential
22 patients of any term or condition of probation which will affect
23 their therapy or the confidentiality of their records (such as this
24 condition which requires a practice monitor). Such notifications
25 shall be signed by each patient prior to continuing or commencing
26 treatment.

27 If the monitor quits or is otherwise no longer available,

1 respondent shall obtain approval from the Board for a new monitor
2 within 30 days. If no new monitor is approved within 30 days,
3 respondent shall not practice until a new monitor has been approved
4 by the Board or its designee. During this period of non-practice,
5 probation will be tolled and any period of non-practice shall not
6 apply to the reduction of the probationary period. Respondent
7 shall pay all costs associated with this monitoring requirement.
8 Failure to pay these costs shall be considered a violation of
9 probation.

10 3. PROBATION COSTS Respondent shall pay the costs
11 associated with probation monitoring each and every year of
12 probation. Such costs shall be payable to the Board of Psychology
13 at the end of each fiscal year. Failure to pay such costs shall be
14 considered a violation of probation.

15 4. OBEY ALL LAWS Respondent shall obey all federal,
16 state, and local laws and all regulations governing the practice of
17 psychology in California including the ethical guidelines of the
18 American Psychological Association. A full and detailed account of
19 any and all violations of law shall be reported by the respondent
20 to the Board or its designee in writing within seventy-two (72)
21 hours of occurrence.

22 5. QUARTERLY REPORTS Respondent shall submit quarterly
23 declarations under penalty of perjury on forms provided by the
24 Board or its designee, stating whether there has been compliance
25 with all the conditions of probation.

26 6. PROBATION COMPLIANCE Respondent shall comply with
27 the Board's probation program and shall, upon reasonable notice,

1 report to the assigned District Office of the Medical Board of
2 California or other designated probation monitor. Respondent shall
3 contact the assigned probation officer regarding any questions
4 specific to the probation order. Respondent shall not have any
5 unsolicited or unapproved contact with 1) complainants associated
6 with the case; 2) Board members or members of its staff; or 3)
7 persons serving the Board as expert evaluators.

8 7. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
9 appear in person for interviews with the Board or its designee upon
10 request at various intervals and with reasonable notice.

11 8. CHANGES OF EMPLOYMENT Respondent shall notify the
12 Board in writing, through the assigned probation officer, of any
13 and all changes of employment, location, and address within 30 days
14 of such change.

15 9. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-
16 PRACTICE In the event respondent should leave California to reside
17 or to practice outside the State or for any reason should
18 respondent stop practicing psychology in California, respondent
19 shall notify the Board or its designee in writing within ten days
20 of the dates of departure and return or the dates of non-practice
21 within California. Non-practice is defined as any period of time
22 exceeding thirty days in which respondent is not engaging in any
23 activities defined in Sections 2902 and 2903 of the Business and
24 Professions Code. Periods of temporary or permanent residency or
25 practice outside California or of non-practice within California
26 will not apply to the reduction of this probationary period.

27 10. EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is

1 licensed as a psychologist, he shall not employ or supervise or
2 apply to employ or supervise psychological assistants, interns or
3 trainees during the course of this probation. Respondent shall
4 terminate any such supervisorial relationship in existence on the
5 effective date of this probation.

6 11. FUTURE REGISTRATION OR LICENSURE If respondent
7 subsequently obtains other psychological registrations or becomes
8 licensed as a psychologist during the course of this probationary
9 order, respondent agrees that this Decision shall remain in full
10 force and effect until the probationary period is successfully
11 terminated. *Christopher Cornell, Psy.D.*

12 12. VIOLATION OF PROBATION If respondent violates
13 probation in any respect, the Board may, after giving respondent
14 notice and the opportunity to be heard, revoke probation and carry
15 out the disciplinary order that was stayed. If an Accusation or
16 Petition to Revoke Probation is filed against respondent during
17 probation, the Board shall have continuing jurisdiction until the
18 matter is final, and the period of probation shall be extended
19 until the matter is final. No Petition for Modification or
20 Termination of Probation shall be considered while there is an
21 Accusation or Petition to Revoke Probation pending against
22 respondent.

23 13. COMPLETION OF PROBATION Upon successful completion of
24 probation, respondent's registration shall be fully restored.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Decision and fully understand the terms and conditions. I understand the effect this stipulation will have on my registration to engage in psychological activities and agree to be bound thereby. I enter into this Stipulated Settlement and Decision knowingly, voluntarily, freely and intelligently.

DATED: 9/26/2000

Christopher C. Cornell, Psy.D.
CHRISTOPHER C. CORNELL
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Decision is hereby respectfully submitted for consideration of the Board of Psychology, Department of Consumer Affairs.

DATED: September 29, 2000.

BILL LOCKYER, Attorney General
of the State of California



RICHARD D. MARINO
Deputy Attorney General

Attorneys for Complainant

Exhibit: Statement of Issues
03598160-LA2000AD0000
shell.st2 [1197 rev]

EXHIBIT A

Statement of Issues No. X-40

1 BILL LOCKYER, Attorney General
of the State of California
2 RICHARD D. MARINO (State Bar No. 90471)
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1233
Telephone: (213) 897-8644
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of) Case No. X-40
Issues Against:)

13 **CHRISTOPHER C. CORNELL**)
5460 White Oak Ave., No. E-308)
14 Encino, California 91316)

STATEMENT OF ISSUES

15 Applicant\Respondent.)
16)

17 The Complainant alleges:

18 **PARTIES**

19 1. Thomas S. O'Connor ("Complainant") brings -this
20 Statement of Issues solely in his official capacity as the
21 Executive Officer of the Board of Psychology, Department of
22 Consumer Affairs, State of California ("Board").

23 2. On or about May 2, 2000, Christopher C. Cornell,
24 ("respondent") submitted an application for registration to engage
25 in psychological activities to the Board pursuant to Business and
26 Professions Code section 2909, subdivision (d). On or about May 8,
27 2000, the Board received respondent's application. On or about May

1 11, 2000, the Board notified respondent that his application was
2 being denied for the following reasons:

3 "Section 2960(a) of the Business and
4 Professions Code - Conviction of a crime

5 "Section 2960(b) of the Business and
6 Professions Code - Self-use of controlled
7 drugs

8 "Section 480(a)(3) of the Business and
9 Professions Code - Any act which if done by a
10 licentiate of the profession would be grounds
11 for suspension or revocation of license."

12 **JURISDICTION**

13 3. This Statement of Issues is brought before the Board
14 under the authority of the following sections of the California
15 Business and Professions Code ("Code"):

16 A. Section 480 of the Code, in relevant part,
17 provides:

18 "(a) A board may deny a license regulated by
19 this code on the grounds that the applicant has one of-
20 the following:

21 "(1) Been convicted of a crime. A conviction
22 within the meaning of this section means a plea or
23 verdict of guilty or a conviction following a plea of
24 nolo contendere. Any action which a board is permitted
25 to take following the establishment of a conviction may
26 be taken when the time for appeal has elapsed, or the
27 judgment of conviction has been affirmed on appeal, or

1 when an order granting probation is made suspending the
2 imposition of sentence, irrespective of a subsequent
3 order under the provisions of Section 1203.4 of the Penal
4 Code.

5 "(2) Done any act involving dishonesty, fraud
6 or deceit with the intent to substantially benefit
7 himself or another, or substantially injure another; or

8 "(3) Done any act which if done by a
9 licentiate of the business or profession in question,
10 would be grounds for suspension or revocation of license.

11 ". . . ."

12 B. Section 2960 of the Code, in relevant
13 part, provides:

14 "The board may refuse to issue any registration
15 or license, or may issue a registration or license with
16 terms and conditions, or may suspend or revoke the
17 registration or license of any registrant or licensee if
18 the applicant, registrant, or licensee has been guilty of
19 unprofessional conduct. Unprofessional conduct shall
20 include, but not limited to:

21 "(a) Conviction of a crime substantially
22 related to the qualifications, functions or duties of a
23 psychologist or psychological assistant.

24 "(b) Use of any controlled substance as
25 defined in Division 10 (commencing with Section 11000) of
26 the Health and Safety Code, or dangerous drug, or any
27 alcoholic beverage to an extent or in a manner dangerous

1 to himself or herself, any other person, or the public,
2 or to an extent that this use impairs his or her ability
3 to perform the work of a psychologist with safety to the
4 public.

5 ". . . ."

6 C. Section 2964.6 of the Code provides:

7 "An administrative disciplinary decision that
8 imposes terms of probation may include, among other
9 things, a requirement that the licensee who is being
10 placed on probation pay the monetary costs associated
11 with monitoring the probation."

12 **FIRST CAUSE FOR DENIAL**

13 **(Criminal Convictions)**

14 4. Respondent's application to be registered as a
15 psychologist is subject to denial under sections 480, subdivision
16 (a), subparagraph (1), generally, and 2960, subdivision (a),
17 specifically, of the Code in that respondent has sustained multiple
18 criminal convictions for offenses involving the use or possession
19 of controlled substances and alcohol, crimes substantially related
20 to the qualifications, functions or duties of a psychologist or a
21 person engaged in psychological activities. The circumstances are
22 as follows:

23 A. On or about December 21, 1990, in the Court of
24 Common Pleas of Crawford County, Pennsylvania, in proceedings
25 entitled *Commonwealth v. Christopher C. Cornell*, Case No.
26 1990-784, having been found guilty of underage drinking,
27 respondent was ordered to pay One Hundred Dollars (\$100.00),

1 in fines, and Seventy-Seven Dollars (\$77.00), in costs.

2 B. On or about June 29, 1995, in the Court of
3 Common Pleas of Erie County, Pennsylvania, in proceedings
4 entitled *Commonwealth v. Christopher Carl Cornell*, Case No.
5 1994-02876, having been found guilty of possession of hashish,
6 in violation of section 113A16 of the Controlled Substance Act
7 (Count 1) and possession of drug paraphernalia, in violation
8 of section 113A32 of the Controlled Substance Act (Count 2),
9 misdemeanors, upon his pleas of guilty and pursuant to a
10 negotiated plea agreement, respondent was placed on probation
11 for two years and ordered to pay Three Hundred Eighty-One
12 Dollars (\$381.00) in fines and costs.

13 C. In addition to the convictions described in
14 paragraphs A and B, above, respondent sustained criminal
15 convictions for underage drinking and criminal mischief, at
16 age 15; summary retail theft, at age 17; and, possession of
17 drug paraphernalia, at age 19.

18 D. On or about May 8, 2000, the Board received
19 respondent's written application for registration to engage in
20 psychological activities. The application which was signed by
21 respondent on or about May 2, 2000, contained the information
22 pertaining to respondent's juvenile and criminal history.

23 E. On or about May 11, 2000, respondent's
24 application was denied by the Board by reason of Business and
25 Professions Code sections 2960, subdivisions (a) and (b), and
26 480, subdivision (a), subparagraph 3.

SECOND CAUSE FOR DENIAL

(Self Use of Controlled Substances or Alcohol or Other Drugs)

5. Respondent's application to be registered as a psychologist is subject to denial under section 2960, subdivision (b), of the Code in that respondent used controlled substances or used alcohol or other drugs to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that this use impaired his ability to perform the work of a psychologist. The circumstances are as follows:

A. Complainant refers to and, by this reference, incorporates herein paragraph 4, subparagraphs A through E, inclusive, above, as though fully set forth.

1 PRAYER


2 WHEREFORE, the complainant requests that a hearing be
3 held on the matters herein alleged, and if any of these allegations
4 are found to be true, that the Board issue an order:

5 1. Denying the application of Christopher C. Cornell
6 for registration to engage in psychological activities.

7 2. Directing applicant/respondent to pay the Board the
8 costs of probation monitoring, pursuant to section 2964.6 of the
9 Code, in the event a probationary or conditional license is issued;
10 and,

11 3. Taking such other action as the Board deems
12 necessary and proper.

13
14 DATED: September 11, 2000.

15
16 
17 Thomas S. O'Connor
18 Executive Officer
19 Board of Psychology
20 Department of Consumer Affairs
21 State of California

22 Complainant
23
24
25
26

27 03598160-LA2000AD0000
shell.soi [1197 rev]

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Statement of Issues
filed against:

Christopher C. Cornell, Psy.D.

No. : X-40

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Christopher C. Cornell, Psy.D.
Children's Hospital Los Angeles
P.O. Box 54700 MS 2
Los Angeles, CA 90054-0700

7099 3400 0002 4471 2530

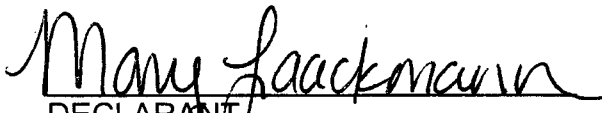
Christopher C. Cornell, Psy.D.
5460 White Oak Ave., #E-308
Encino, CA 91316

7099 3400 0002 4471 2509

Richard D. Marino
Office of the Attorney General
300 South Spring St., Ste. 5212
Los Angeles, CA 90013-1233

Each said envelope was then on, October 23, 2000, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, October 23, 2000, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst